

REMARKS

By this amendment, claim 1 has been amended. Accordingly, claims 1, 3-5, and 9-12 are currently pending in the application, of which claims 1 and 9 are independent claims. Applicants appreciate the indication that claims 9-12 are allowed.

Applicants respectfully submit that the above amendments do not add new matter to the application and are fully supported by the specification. Support for the amendments may be found at least in Figure 15 and the accompanying description in the specification.

Entry of the Amendments and Remarks is respectfully requested because entry of Amendment places the present application in condition for allowance, or in the alternative, better form for appeal. No new matters are believed to be added by these Amendments. In view of the above amendments and the following Remarks, Applicants respectfully request reconsideration and timely withdrawal of the pending objections and rejections for the reasons discussed below.

Rejections Under 35 U.S.C. §103

Claim 1 stands rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,091,194 issued to Swirbel, *et al.* (“*Swirbel*”) in view of U.S. Patent No. 6,614,174 issued to Urabe, *et al.* (“*Urabe*”). Applicants respectfully traverse this rejection for at least the following reasons.

In order to render a claim obvious, the combination of cited references must teach each and every element of the claimed invention and must provide teaching, motivation or suggestion to combine. Nat'l Steel Car, Ltd. v. Canadian Pac. Rwy., 357 F.3d 1319, 1337 (Fed. Cir. 2004) (citing Ecolochem, Inc. v. S. Cal. Edison Co., 227 F.3d 1361, 1371 (Fed. Cir. 2000)). This motivation must be based on the knowledge in the art, not knowledge provided by the application under examination, because such hindsight reconstruction is forbidden. In re Fine, 837 F.2d 1071, 1075 (Fed. Cir. 1988).

The cited references do not teach each and every element of the claimed invention, and alternatively there is no teaching, motivation, or suggestion to combine the two references. In particular, claim 1 includes the limitation “a TFT with a conductive interface pad connected thereto.” Claim 1. The cited reference, *Swirbel*, does not teach at least this element of the claim. Assuming, *arguendum*, that the Examiner’s identification of elements corresponding to the claimed elements is correct, the cited reference shows a TFT (element 24) and a conductive interface pad (46) but does not show the two being connected to each other. In particular, they are shown separated by “pixels” 22. *Swirbel*, Col. 4, ll. 8-13. Accordingly, at least this element is not taught by *Swirbel*.

Additionally, there is no indication that “a TFT with a conductive interface pad connected thereto” is taught by the secondary reference, *Urabe*. Thus, the combination of references does not teach at least this element.

Alternatively, the Examiner has correctly noted that the primary reference *Swirbel* does not teach the element “a capacitor formed on the first insulating substrate.” Claim 1. The Examiner asserts that this element is taught by *Urabe*. Applicants respectfully disagree. A text search of specification of *Urabe* does not even turn up a single instance of the word “capacitor.” Applicants note that Figure 5 shows a circuit diagram, and this diagram includes an element that appears to be a capacitor, and that is labeled with a “Cs,” which also is suggestive that it may be a capacitor. However, a perusal of the accompanying text indicates that Cs refers to a capacitance, not a capacitor. Col. 9, ll. 8-42. Additionally, the figure is only an equivalent circuit of a pixel, it does not teach that some capacitive element ought to be included.

Moreover, even assuming, *arguendum*, that equivalent capacitive element is the same as a capacitor as claimed, there is no teaching, motivation, or suggestion to combine the references. The Examiner cites a portion of the reference that says: “Consequently, the organic electroluminescent element OLED keeps emitting light at a fixed brightness in accordance with the amount of current supplied from the thin film transistor TFT2.” Col. 9, ll. 46-50. But that result is not directly attributed to the inclusion of a capacitance. Indeed, a “holding capacitance” is described in the related art section of the patent. Col. 1, ll. 60-64. However, this is described as part of a “conventional technique[]” with “problems.” Col. 2, ll. 51-52. Thus, one reading the patent may recognize that no special benefits accrue from using the conventional techniques, but rather from using the modifications taught by the inventors. Accordingly, there is no teaching,

motivation, or suggestion to combine what has been deprecated as a part of a conventional technique with problems.¹

Furthermore, there is no teaching in *Urabe* that the capacitive element should be “formed on the first insulating substrate,” as required by claim 1. In contrast, Figure 5 shows Cs connected between elements G and S. As shown in Figure 1, the area between G and S is not on the first insulating substrate, but rather on G.

Furthermore, the amended claim 1 recites: “a buffer layer on the first insulating substrate, and a gate electrode and source/drain electrodes on the buffer layer; a planarization layer with a hole on the TFT.” Neither *Swirbel* nor *Urabe* teaches these features. Thus the amended claim 1 is patentable over the cited references.

Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejection of claim 1. Since none of the other prior art of record, whether taken alone or in any combination, discloses or suggests all the features of the claimed invention, Applicants respectfully submit that independent claim 1, and all the claims that depend from it are allowable.

Rejections Under 35 U.S.C. §103

Claims 3-5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Swirbel* in view of *Urabe* and further in view of U.S. Patent No. 6,091,196 issued to Codama (“*Codama*”). Applicants respectfully traverse this rejection for at least the following reasons.

¹ Of course, as the capacitive element is included in an embodiment of the patent, it cannot be said that the patent teaches that such an element must be entirely avoided.

In order to render a claim obvious, the combination of cited references must teach each and every element of the claimed invention and must provide teaching, motivation or suggestion to combine. Nat'l Steel Car, Ltd. v. Canadian Pac. Rwy., 357 F.3d 1319, 1337 (Fed. Cir. 2004) (citing Ecolochem, Inc. v. S. Cal. Edison Co., 227 F.3d 1361, 1371 (Fed. Cir. 2000)). This motivation must be based on the knowledge in the art, not knowledge provided by the application under examination, because such hindsight reconstruction is forbidden. In re Fine, 837 F.2d 1071, 1075 (Fed. Cir. 1988).

As explained above, the combination of *Swirbel* and *Urabe* is lacking with regard to claim 1. Because claims 3-5 depend from claim 1 they contain all the limitations of that claim. Accordingly, the arguments applied to claim 1 above, apply with equal force to these claims.

Additionally, *Codama* does not remedy the deficiencies of *Swirbel* and *Urabe*. There is no indication that *Codama* teaches any of the missing elements not taught by the combination of *Swirbel* and *Urabe*, as explained above.²

Furthermore, the amended claim 1 recites: "a buffer layer on the first insulating substrate, and a gate electrode and source/drain electrodes on the buffer layer; a planarization layer with a hole on the TFT." Neither *Swirbel* nor *Codama* teaches these features. Thus the amended claim 1 is patentable over the cited references.

Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejection of claims 3-5. Since none of the other prior art of record, whether taken alone or in any combination, discloses or suggests all the features of the claimed invention, Applicants

² Applicants are referring here only to the elements of claim 1, not the additional elements introduced in the dependent claims.

respectfully submit that independent claim 1, and all the claims that depend from it are allowable.

Rejections Under 35 U.S.C. §103

Claims 3-4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Swirbel* in view of *Urabe* and further in view of U.S. Patent No. 6,175,345 issued to Kuribayashi *et al.* (“*Kuribayashi*”). Applicants respectfully traverse this rejection for at least the following reasons.

In order to render a claim obvious, the combination of cited references must teach each and every element of the claimed invention and must provide teaching, motivation or suggestion to combine. Nat'l Steel Car, Ltd. v. Canadian Pac. Rwy., 357 F.3d 1319, 1337 (Fed. Cir. 2004) (citing Ecolochem, Inc. v. S. Cal. Edison Co., 227 F.3d 1361, 1371 (Fed. Cir. 2000)). This motivation must be based on the knowledge in the art, not knowledge provided by the application under examination, because such hindsight reconstruction is forbidden. In re Fine, 837 F.2d 1071, 1075 (Fed. Cir. 1988).

As explained above, the combination of *Swirbel* and *Urabe* is lacking with regard to claim 1. Because claims 3-5 depend from claim 1 they contain all the limitations of that claim. Accordingly, the arguments applied to claim 1 above, apply with equal force to these claims.

Additionally, *Kuribayashi* does not remedy the deficiencies of *Swirbel* and *Urabe*. There is no indication that *Kuribayashi* teaches any of the missing elements not taught by the combination of *Swirbel* and *Urabe*, as explained above.³

³ Applicants are referring here only to the elements of claim 1, not the additional elements introduced in the dependent claims.

Furthermore, the amended claim 1 recites: “a buffer layer on the first insulating substrate, and a gate electrode and source/drain electrodes on the buffer layer; a planarization layer with a hole on the TFT.” Neither *Swirbel* nor *Kuribayashi* teaches these features. Thus the amended claim 1 is patentable over the cited references.

Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejection of claims 3-4. Since none of the other prior art of record, whether taken alone or in any combination, discloses or suggests all the features of the claimed invention, Applicants respectfully submit that independent claim 1, and all the claims that depend from it are allowable.

Finality of the Office Action

Applicants respectfully traverse the Examiner’s classification of the office action as final. Applicants note that the grounds for rejection are entirely new, and thus a more appropriate mechanism in this case may be a non-final rejection. Moreover, Applicants respectfully disagree that scope of the claims was changed to such an extent that the new grounds for rejection could be fairly said to have been necessitated by the amendment. In general, Applicants note that their amendments have been for the purposes of clarifying, not radically altering the scope of the claims. Accordingly, Applicants respectfully suggest that the finality of the office action may be an unintended miscategorization on the part of the Examiner.


CONCLUSION

Applicants believe that a full and complete response has been made to the pending Office Action and respectfully submits that all of the stated objections and grounds for rejection have been overcome or rendered moot. Accordingly, Applicants respectfully submit that all pending claims are allowable and that the application is in condition for allowance.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the Applicants' undersigned representative at the number below to expedite prosecution.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,


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